

## TRANSIENT MERCHANT CASH BOND

I, \_\_\_\_\_, of \_\_\_\_\_, as obligor do hereby deposit with the Attorney General of the state of North Dakota the cash sum of \_\_\_\_\_ (\$\_\_\_\_\_) as a cash deposit bond in lieu of a surety bond, pursuant to N.D.C.C. § 51-04-03, for the performance of all obligations as a transient merchant under N.D.C.C. ch. 51-04, and as set forth herein below. The condition of the within obligation is such that the obligor has applied for a license as a transient merchant under the provisions of N.D.C.C. ch. 51-04.

NOW, THEREFORE, if the obligor, his/her or its agents, representatives, and employees shall faithfully and honestly conduct the business of the applicant under North Dakota law, and all rules and regulations promulgated in pursuance thereof, and the obligor shall comply with all material oral or written statements and representations made by the applicant, his/her or its agents, employees, or representatives, with reference to merchandise sold, or offered for sale and on faithful performance under all warranties made with reference thereto, then this obligation will be void; otherwise the obligation will remain in full force and effect.

Any person injured by the breach of conditions of such cash bond may make application to the Attorney General to recover legal damages suffered by reason of such breach; provided that the aggregate recovery from such cash deposit bond for all such damages shall, in no event, exceed the sum of said cash deposit. Where the legal damage suffered by an injured person exceeds the amount recovered from the cash deposit, such partial recovery shall in no way prejudice the right of the injured person to proceed directly against the obligor/licensee for such excess damages.

This cash deposit bond is a continuing obligation and shall cover the full period of licensing of the obligor. Claims against the cash deposit bond may be made during the licensing period and for two years thereafter.

This cash deposit bond shall not be refundable nor terminate prior to two years after the expiration of the last license issued pursuant thereto, nor until a request for refund of the cash deposit bond has been given to the Attorney General. Written notice of such request for refund is to be sent by certified mail to the Attorney General. All liability hereunder shall terminate two years after the expiration of the last license issued, except that the liability of the obligor shall apply as provided to any acts or omissions which may have occurred during the licensing period for which claims were made on or before two years after the last license issued and remain pending.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Obligor

By: \_\_\_\_\_  
Name & Title

.....  
If obligor is a corporation, officer signing must attach resolution authorizing execution.  
.....

FORM A

STATE OF \_\_\_\_\_ )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, before me, the undersigned, a notary public for said county and state,

IF BY  
INDIVIDUAL  
USE THIS FORM

personally appeared \_\_\_\_\_,  
known to me to be the person who is described in and who  
executed the within instrument as obligor, and he/she  
acknowledged to me that he/she executed same.

- or -

IF BY  
CO-PARTNERSHIP  
USE THIS FORM

personally appeared \_\_\_\_\_, known to  
me to be one of the members of the co-partnership of  
\_\_\_\_\_ and  
the person who is described in and who executed the within  
instrument for and in behalf of said co-partnership as obligor,  
and he/she acknowledged to me that he/she executed the  
same for said co-partnership.

- or -

IF BY  
CORPORATION  
USE THIS FORM

personally appeared \_\_\_\_\_, known to  
me to be the \_\_\_\_\_  
of the corporation that is described in and that executed the  
within instrument as obligor, and he/she acknowledged to me  
that such corporation executed the same.

(SEAL)

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

Receipt of \_\_\_\_\_  
(\$\_\_\_\_\_) from the obligor as a transient merchant cash deposit bond under  
the terms set forth above is hereby acknowledged this \_\_\_\_\_ day of \_\_\_\_\_,  
200\_\_.

State of North Dakota  
Wayne Stenehjem  
Attorney General

By: \_\_\_\_\_  
Director, Licensing Section

#### APPROVAL

Approved as to form this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

State of North Dakota  
Wayne Stenehjem  
Attorney General

By: \_\_\_\_\_  
Assistant Attorney General

RESOLUTION

RESOLVED, that \_\_\_\_\_, the  
\_\_\_\_\_ of the corporation is  
hereby authorized and directed to deliver to the State of North Dakota for  
and on behalf of the corporation a Transient Merchant Bond in the amount of  
\$\_\_\_\_\_.

I, \_\_\_\_\_, secretary of \_\_\_\_\_, a  
corporation incorporated under the laws of the state of \_\_\_\_\_,  
hereby certify that the foregoing is a full, true and correct copy of a resolution of the board  
of directors of the corporation duly and regularly adopted by the corporation as required by  
law and the bylaws of the corporation.

IN WITNESS WHEREOF, I have set my hand as such secretary, and affixed the seal of  
the corporation (if any), on \_\_\_\_\_, 200\_\_\_\_.

\_\_\_\_\_  
Secretary